IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 18633 of 2005(R)

PETITIONER:

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1. K.V.SAM, S/O.YOHANNAN, AGED 48,
KIZHAKKETHIL, V-KOTTAYAM, PATHANAMTHITTA.

2. SOMARAJAN, AGED 38,
SOMAVILASAM, V-KOTTAYAM,
PATHANAMTHITTA.

3. GOPALAKRISHNAN NAIR, AGED 68,
SINDHU BAHAN, V KOTTAYAM.
PATHANAMTHITTA.

4. RADHAKRISHNAN NAIR, AGED 49,
KURUMTHOTTATHIL V KOTTAYAM,
PATHANAMTHITTA.

BY ADV. SRI.M.NARENDRA KUMAR
SMT.LEENA KRISHNAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

3. PRAMADOM GRAMA PANCHAYATH, REP.
BY ITS SECRETARY.

4. THE KERALA STATE POLLUTION CONTROL
BOARD, PATHANAMTHITTA.

5. THE DIRECTOR OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM.

6. GEOLOGIST, REGIONAL OFFICE, ALAPPUZHA.

7. J & S GRANITES, MUPRAMON VALLICODE-
KOTTAYAM, PATHANAMTHITTA.

8. SADANANDAN AMBADIYIL, PANNIVIZHA,
ADOOR, PATHANAMTHITTA.

BY ADV. SRI.S.SUDHEESHKAR, SC FOR KSPCB
SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER
SRI.V.PHILIP MATHEW
GOVERNMENT PLEADER smt.K.R.DEEPA.
SRI.CHANDRAMOHANDAS, SC,POLU.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.18633/2005

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE SKETCH OF THE ROCK VIZ. THUDIYURULIPPARA.

EXT.P1A TRUE COPY OF THE SURROUNDING PLACES OF THUDIYURULIPPARA.

EXT.P2 : TRUE PHOTO OF THE ROCK TAKEN BY THE PETITIONERS.

EXT.P3 : TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE 6TH RESPONDENT TO THE 7TH RESPONDENT DT. 31.3.1997 VALID UPTO 30.9.1997.

EXT.P4 : TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE 6TH RESPONDENT TO THE 7TH RESPONDENT DT. 21.10.1998 VALID UPTO 20.8.1999.

EXT.P5 :TTRUE COPY OF THE REQUEST DT. 14.2.2005 MADE BY THE INHABITANTS OF MUKKANVILA VALLEY-SURROUNDING AREA OF THIDIYURULIPPARA BEFORE VARIOUS AUTHORITIES.

EXT.P6 TRUE COPY OF THE REPRESENTATION MADE BY THE LOCAL PEOPLE INCLUDING THE PETITIONERS RESIDING NEARBY AREA OF THUDIYURULIPPARA BEFORE THE 4TH RESPONDENT.

EXT.P7 TRUE COPY OF NEWS REPORT IN THE NEW EXPRESS DAILY DT. 14.3.2005 ABOUT THE DAMAGES CAUSED TO THE BUILDINGS NEARBY THUDIYURULIPPARA DUE TO SHOCK WAVES.

RESPONDENTS' EXHIBITS :

EXT.R7A TRUE COPY OF THE SKETCH OF THE HOLDINGS IN THE AREA.

EXT.R7B TRUE COPY OF THE QUARRYING LEASE GRANTED TO THIS RESPONDENT DT. 4.8.2003.

EXT.R7C TRUE COPY OF THE EXPLOSIVES LICENCE GRANTED TO THIS RESPONDENT DT. 12.7.2004.

EXT.R7D TRUE COPY OF THE SHOT FIRERS PERMIT GRANTED TO THIS RESPONDENT DT. 22.3.2005.

EXT.R7E TRUE COPY OF THE NOC ISSUED BY THE DIST.MEDICAL OFFICER TO THIS RESPONDENT DT. 9.3.2005.\

EXT.R7F TRUE COPY OF THE CONSENT CERTIFICATE GRANTED TO THIS RESPONDENT BY THE 4TH RESPONDENT DT. 27.1.2005.

EXT.R7G TRUE COPY OF THE STATEMENT ISSUED BY THE INSTANT NEIGHBOURS DT. 7.3.2005.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.18633 of 2005

Dated 2nd April, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by the illegal quarrying conducted by respondents 7 and 8. In case the petitioners have still any grievance left, they may approach the Pollution Control Board, in which case, appropriate action in accordance with law with notice to the affected parties also will be taken expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.